

REGIONAL OPERATING AGREEMENT

**Between the
Gulf of Mexico Fishery Management Council,
NOAA National Marine Fisheries Service Southeast Regional Office,
NOAA National Marine Fisheries Service Southeast Fisheries Science Center,
and NOAA General Counsel, Southeast Region**



National Marine Fisheries Service

March 2014

This Agreement outlines the roles and responsibilities of the Gulf of Mexico Fishery Management Council (Council), NOAA National Marine Fisheries Service (NMFS) Southeast Regional Office (SERO), NMFS Southeast Fisheries Science Center (SEFSC), and NOAA General Counsel, Southeast Region (GCSE), related to preparing documentation for fishery conservation and management actions in the exclusive economic zone of the Gulf of Mexico.

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ABBREVIATIONS

Council	Gulf of Mexico Fishery Management Council
CZMA	Coastal Zone Management Act
DEIS	Draft Environmental Impact Statement
EFH	Essential Fish Habitat
EIS	Environmental Impact Statement
EPA	Environmental Protection Agency
ESA	Endangered Species Act
FMP	Fishery Management Plan
GCSE	NOAA General Counsel, Southeast Region
HQ	NFMS Headquarters
IPT	Interdisciplinary Plan Team
IQA	Information Quality Act
MSA	Magnuson-Stevens Fishery Conservation and Management Act
NEPA	National Environmental Policy Act
NMFS	National Marine Fisheries Service
NOAA	National Oceanic and Atmospheric Administration
OFR	Office of the Federal Register
RA	Regional Administrator
RFA	Regulatory Flexibility Act
RID	Regulatory Information Data
RIN	Regulation Identifier Number
ROA	Regional Operating Agreement
SEDAR	Southeast Data, Assessment, and Review
SEFSC	NMFS Southeast Fisheries Science Center
SERO	NMFS Southeast Regional Office
SF	SERO Sustainable Fisheries Division
SSC	Scientific and Statistical Committee
USCG	United States Coast Guard

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REGIONAL OPERATING AGREEMENT

STATEMENT OF PURPOSE

The purpose of this Regional Operating Agreement (ROA) is to confirm the mutual responsibilities of the Gulf of Mexico Fishery Management Council (Council), Southeast Regional Office (SERO), Southeast Fisheries Science Center (SEFSC), and NOAA General Counsel, Southeast Region (GCSE) in the development and preparation of inter-agency fishery management actions that address the needs and requirements for conservation and management of the Nation's fisheries. This ROA establishes the roles, responsibilities, and commitments of these parties, for the coordination of the analytical and structural/component requirements of the Magnuson-Stevens Act (MSA), National Environmental Policy Act (NEPA), and other federal regulatory requirements.

BACKGROUND

National Marine Fisheries Service (NMFS) distributed draft operational guidelines for developing and implementing fishery management actions (Operational Guidelines) to Office Directors, Regional Administrators, and Regional Fishery Management Councils in August 2005. The Operational Guidelines require NMFS' Regional Offices and the Councils to delineate in a Regional Operating Agreement, region-specific agency and Council roles, responsibilities, and obligations related to developing fishery management decision documents using a frontloading approach.

The Regional Operating Agreements specify how frontloading procedures will be used to ensure the processes and documentation associated with fishery management proposals are legally adequate, timely, and provide a rational basis for decision making. For that reason, the Operational Guidelines encourage Regional Offices to address the roles and obligations of all responsible/contributing parties in their Regional Operating Agreements, including the Science Centers and General Counsel, to the extent possible.

This Regional Operating Agreement describes processes, products, roles, and responsibilities designed to maximize frontloading during each of the four main rulemaking phases described in the Operational Guidelines:

I) Planning and scoping; II) Document preparation; III) Council final action; and IV) Secretarial review and implementation. The intended result of the described protocol is to promote and coordinate early planning, cooperation, and open communication in developing fishery management documentation, with the objective of streamlining the review and approval process, and ultimately improving fishery management decision-making. The Regional Operating Agreement is not intended to limit or prevent staff from agreeing upon alternative processes on a case-specific basis in response to specific management needs or concerns. Instead, it is considered a "living document," which will change over time in response to lessons learned and to changing management needs and conditions.

**STATEMENT OF RESPONSIBILITIES
PHASE I: PLANNING & SCOPING**

ANNUAL WORKLOAD

(a) Process

Stock assessment schedule and priorities will be defined by the Southeast Data, Assessment, and Review (SEDAR) Steering Committee. Additional research needs are defined by a Five-year List of Fishery Research and Socio-Economic Priorities, compiled by the Council in consultation with its Scientific and Statistical Committee (SSC), Socioeconomic SSC, and SEFSC.

(b) Products/Deliverables

DOCUMENT	DESCRIPTION	LEAD DRAFTER	CONTRIBUTORS/ REVIEWERS
Schedule of SEDAR Assessments and Workshops	On an annual basis, schedule & prioritize the schedule of stock assessments and procedural workshops to be conducted over the next two to three years. Provide sufficient flexibility to accommodate unanticipated needs/issues that are likely to arise throughout the year.	SEDAR Steering Committee	Council Members Council Staff SEFSC
Five-year List of Fishery Research Needs and Socioeconomic Priorities	List and prioritize biological, social, and economic research needs over a five year period. Review the previous priorities and revise and update the list every five years.	Council Staff	Council Members SERO SSC SEFSC Socioeconomic SSC

(c) Roles/Responsibilities

Council Members and Council Staff

- Review and comment on five-year research plan.
- Review and comment on SEDAR priorities
- Participate in defining stock assessment schedules/priorities through the SEDAR Steering Committee

Council Staff

- Assume lead in drafting and revising five-year research plan

SERO

- Review and comment on five-year research plan. Participate in defining stock assessment schedules/priorities through the SEDAR Steering Committee

SEFSC

- Review and comment on five-year research plan. Participate in defining stock assessment schedules/priorities through the SEDAR Steering Committee

SCOPING FISHERY MANAGEMENT PROPOSALS/ACTIONS

(a) Process

The Council, SERO, SEFSC, and GCSE will collaborate through Interdisciplinary Planning Team (IPTs) in planning and defining the scope of individual fishery management actions. An IPT will consist of Council Staff, SERO, SEFSC, GCSE, and NEPA staff, including technical staff to write biology, ecology/habitat, economics, and socio-cultural sections, respectively (Appendix A).

(b) Products/Deliverables

DOCUMENT	DESCRIPTION	LEAD DRAFTER	CONTRIBUTOR S/ REVIEWERS
Purpose and need	Describe why an action is needed and what part of the Magnuson-Stevens Fishery Conservation and Management Act (MSA) supports taking the action. At this stage, this is not a stand-alone document, but rather the Council discussion or motion requesting an action, supported by the minutes of the Council meeting.	Council Members with the assistance of Council Staff	IPT
IPT Memo	Describe issues requiring action, request staff support, & communicate expectations related to role of IPT members (IPT Protocol in Appendix A). One general memo and one memo to the SEFSC.	SERO	Council Staff SEFSC
Action Plan	Describe problem/objective, possible actions/alternatives, data/analytical requirements (including preliminary National Environmental Policy Act (NEPA) documentation), tentative implementation schedule, proposed staff assignments, outstanding questions/issues, IPT membership.	IPT	Council Staff SERO SEFSC
Notice of Intent/Scoping Comment Period (if applicable)	<i>Federal Register</i> notices that meet applicable NEPA, MSA, & Office of Federal Register (OFR) requirements. Request regulation identification number.	SERO	GCSE

DOCUMENT	DESCRIPTION	LEAD DRAFTER	CONTRIBUTOR S/ REVIEWERS
Council Scoping Meeting Notices (if applicable)	<i>Federal Register</i> notices that meet applicable NEPA, MSA, & OFR requirements.	Council Staff	Council Staff
Scoping Paper (if applicable)	Preliminary draft document describing purpose and need, problems/objectives and key issues/concerns; intended to provide background information for scoping meetings.	Council Staff	Council Members IPT SEFSC
Scoping Comment Period and Workshop Summary Reports (if applicable)	Summaries of comments & ideas/concepts submitted during scoping process.	Council Staff (workshop summaries) SERO (comment period summary)	Council members IPT

(c) Roles/Responsibilities IPT

Council Staff

- Identify staff from appropriate disciplines who will serve on IPT; designate co-team lead
- Conduct scoping meetings (if applicable) or provide other means for public comment
- Draft and/or review *Federal Register* notices (if applicable)
- Present IPT advice/recommendations to Council
- Prepare scoping document and supporting materials for scoping workshops
- Prepare scoping summary report and communicate scoping comments to Council (if applicable)
- Review IPT products/deliverables
- Summarize and review scoping comments (if applicable)

Council Members

- Identify purpose and need for management actions, (rationale for taking action)
- Establish priority and timeline for the new action to help the IPT
- Develop preliminary range(s) of options (if appropriate)
- Review IPT products/deliverables

SERO

- Identify staff from appropriate disciplines who will serve on IPT; designate co-team lead
- Establish IPT through IPT memo
- Draft and/or review *Federal Register* notices (if applicable)

- Prepare scoping summary report for comments on the environmental impact statement (EIS) notice of intent (if applicable)
- Review IPT products/deliverables

SEFSC

- Identify staff from appropriate disciplines who will serve on IPT
- If needed, provide initial data and analyses to support IPT products/deliverables
- Review IPT products/deliverables

GCSE

- Identify staff member who will serve on IPT in advisory capacity
- Review *Federal Register* notices (if applicable)
- Review IPT products/deliverables (if applicable)

IPT

- Review IPT protocol outlined in Appendix A
- Advise Council and SERO on: purpose and need statement (problems/objectives); type of NEPA analysis (e.g., categorical exclusion, environmental assessment, environmental impact statement); identify documentation/analyses required by other applicable laws
- Propose implementation schedule/timeline that takes into account all relevant timing requirements (e.g., NEPA, Administrative Procedures Act, endangered species act (ESA)) and general Council schedule
- Discuss data, analytical, and writing assignments and timeline
- Identify key reviewers of draft and final documentation within Council, SERO, SEFSC, and NMFS Headquarters (HQ)
- Draft Action Plan
- Assist in drafting scoping document (if applicable)
- Review scoping comments (if applicable)

PHASE II: DOCUMENT PREPARATION

DATA AND ANALYSES

(a) Process

The Council, SERO, SEFSC, and GCSE will collaborate through IPTs in identifying, synthesizing, reviewing, and analyzing data needed to develop fishery management proposals/actions.

(b) Products/Deliverables

DOCUMENT	DESCRIPTION	LEAD DRAFTER/ANALYST	CONTRIBUTORS/ REVIEWERS
Data Plan (optional)	Plan outlining data/analytical needs, deliverables, & review schedule.	IPT co-leads	IPT
Data Memo(s)	Memo describing data & analyses, or analytical support, needed from SEFSC, & schedule information.	SERO	IPT co-leads Council Staff
Statistical Analyses (if applicable)	Statistical analyses IPT needs to draft documentation informing preliminary Council action.	TBD by need according to capabilities of SERO, SEFSC, & Council staff	TBD by need according to capabilities of SERO, SEFSC, & Council staff

(c) Roles/Responsibilities

Council Staff

- Draft and review SERO/SEFSC data request memos (if any)
- Provide IPT with statistical analyses (as needed)
- Provide Council with requested data/analyses

SERO

- Collect and maintain permit data for use in tracking fishery participation and evaluating the effects of fishery management proposals/actions
- Assume responsibility for quality of permit and other (e.g., law enforcement) data provided by SERO to the IPT
- Draft memo(s) requesting additional data and statistical analyses from SEFSC (as needed)
- Ensure data used by IPT meet Information Quality Act requirements
- Provide IPT with statistical analyses (as needed; e.g., bag limit, size limit adjustments)

SEFSC

- Assume responsibility for quality of data (Accumulated Landings System, Fisheries Logbook System, Trip Interview Program, Southeast Area Monitoring and Assessment Program, Fisheries Information Network, Marine Recreational Fisheries Statistics Survey/Marine Recreational Information Program, etc.) provided by SEFSC to the IPT relative to Information Quality Act (IQA) principles
- Update (as needed) data provided to the IPT during the document preparation process
- Provide analytical assistance (e.g., models/programs/staff support) to SERO and Council staff analyzing routine management proposals/actions (e.g., bag limit, size limit adjustments)
- Review analyses conducted by SERO and Council staff for routine management proposals/actions (e.g., bag limit, size limit adjustments)
- Provide IPT with statistical analyses for non-routine proposals/actions (as needed)

IPT

- Identify data and analytical needs (Data Plan, optional)
- Conduct statistical analyses (as needed, appropriate)
- Draft documentation supporting preliminary Council action

DEVELOPING FISHERY MANAGEMENT ACTION DOCUMENTS

(a) Process

The Council, SERO, SEFSC, and GCSE will collaborate through IPTs in drafting and reviewing documentation needed to support fishery management actions. All parties will ensure draft documentation is sufficient for preliminary action prior to Council selection of preferred alternative(s), and approval of public hearing Draft Environmental Impact Statement (DEIS) (if applicable).

(b) Products/Deliverables

DOCUMENT	DESCRIPTION	LEAD DRAFTER	CONTRIBUTORS/ REVIEWERS
Options Paper	Preliminary draft document describing purpose and need, problems/objectives, proposed action/initial alternatives, key issues/concerns, & preliminary analyses; intended to inform/solicit Council input on how to proceed in developing public hearing draft & associated analyses.	IPT co-leads	Council Members IPT
Draft Fishery Management Plan (FMP) Amendment & Analyses	Public hearing draft/DEIS (if applicable) with range of reasonable alternatives and required analyses (e.g., NEPA, MSA, Regulatory Flexibility Act (RFA), Executive Order 12866, etc.).	IPT	Council Members SEFSC GCSE IPT

(c) Roles/Responsibilities

Council Staff

- Ensure draft documentation reflects Council discussion/administrative record
- Ensure review by Council staff in key responsibilities
- Advise Council of IPT issues prior to selection of preferred alternative

Council Members

- Review IPT products/deliverables
- Review and discuss any outstanding issues raised by IPT
- Identify and provide rationale for preferred alternative(s), if any, based on draft documentation/analyses

SERO

- Ensure review by SERO and GCSE staff in key responsibilities, and by Headquarter staff (NMFS Office of Sustainable Fisheries, NMFS Office of Protected Resources, NMFS Office of Habitat Conservation, NOAA Office of Program Planning and Integration) as needed/appropriate
- Frontload ESA and Essential Fish Habitat (EFH) consultation information to the extent practicable
- Ensure draft documentation/analyses are consistent with legal mandates, using the references/guidance provided in Appendix B.

SEFSC

- Ensure review by SEFSC staff of all appropriate disciplines and in key responsibilities

- Ensure draft documentation/analyses and any preliminary ESA/EFH consultation documentation is based on the best available scientific information
- Advise Council of any scientific/technical issues prior to selection of preferred alternative

GCSE

- Ensure review by GCSE staff in key responsibilities, and by Headquarters staff (NOAA General Counsel for Fisheries), as appropriate
- Ensure draft documentation/analyses are legally sufficient and provide a rational basis for decision making
- Advise Council of any legal issues prior to selecting preferred alternative(s)

IPT

- Coordinate (co-leads), draft, review, and revise needed documentation/analyses, following the IPT protocol outlined in Appendix A.

PROCESS REQUIREMENTS

(a) Process

The Council and SERO will collaborate in ensuring compliance with the process requirements of the MSA, NEPA, Administrative Procedure Act, and other applicable laws.

(b) Products/Deliverables

DOCUMENT	DESCRIPTION	LEAD DRAFTER	CONTRIBUTORS/ REVIEWERS
Notice of Public Hearings (if applicable)	<i>Federal Register</i> notice that meets applicable MSA & OFR requirements.	Council Staff	
Bulletins/ Newsletters (optional)	Bulletins or newsletters advising public of the availability of draft documentation & public hearing logistics (if applicable).	Council Staff SERO	
Regulatory Information Data (RID) Form and Listing Document	RID form required to obtain a Regulation Identification Number (RIN) for a proposed rule. Document requesting Office of Management and Budget concurrence on significance determination; must be transmitted no more	SERO	GCSE

DOCUMENT	DESCRIPTION	LEAD DRAFTER	CONTRIBUTORS/ REVIEWERS
	than six months before Council submits proposals/actions for Secretarial review.		
DEIS filing/transmittal package (if applicable)	Letters/memos requesting Environmental Protection Agency (EPA) notice the availability of the DEIS & solicit comments on the draft documentation. Prepare Fishery Bulletin to advertise the DEIS comment period.	SERO	GCSE
Public Hearing Summary Report (if applicable)	Report summarizing comments received during public hearings.	Council Staff	Council Members IPT
Final ESA Consultation (if applicable)	Biological Opinion (if applicable)	SERO	NMFS

(c) Roles/Responsibilities

Council Staff

- Advise public of the availability of draft documentation and public hearing logistics through Federal Register notices and Council bulletins/newsletters
- Conduct public hearings and summarize/distribute public comments to the Council

Council Members

- Conduct public hearings (if applicable)
- Review and consider public hearing comments

SERO

- Prepare and transmit RID form and Listing Document (if applicable)
- Prepare and transmit DEIS filing/transmittal package (if applicable)
- Collect and distribute to the IPT and Council comments received on the DEIS (if applicable)

SEFSC

- Review document drafts
- Provide comments in a memo format

GCSE

- Review listing document, DEIS, and transmittal package (if applicable)

FINAL DOCUMENTATION SUPPORTING FINAL COUNCIL ACTION

(a) Process

The Council, SERO, SEFSC, and GCSE will collaborate through IPTs in revising and finalizing documentation associated with fishery management proposals. All parties will ensure final documentation is complete and sufficient prior to final Council action.

(b) Products/Deliverables

DOCUMENT	DESCRIPTION	LEAD DRAFTER	CONTRIBUTORS/ REVIEWERS
Preliminary Final FMP/Amendment & Analyses	Preliminary Final FMP/Amendment with required analyses (e.g., NEPA, MSA, RFA/E.O. 12866, etc.).	IPT	Council Members IPT SEFSC GCSE

(c) Roles/Responsibilities

Council Staff

- Ensure complete document review by Council staff in key responsibilities
- Ensure “final” documentation reflects Council discussion/administrative record, and addresses/considers public comments

SERO

- Ensure review complete document review by SERO, SEFSC, and GCSE staff in key responsibilities
- Ensure “final” documentation/analyses are consistent with legal mandates/administrative record, using the references/guidance provided in Appendix B, and including EPA
- Elevate unresolved policy issues as needed, assuring appropriate coordination between HQ and regional offices and ensuring consistent interpretation and application of national policies
- Confirm any preliminary ESA and EFH consultation findings to the extent practicable

SEFSC

- Ensure review by SEFSC staff of all appropriate disciplines and in key responsibilities
- Ensure “final” documentation/analyses are based on best available scientific information
- Provide comments in a memo format

GCSE

- Ensure review by GCSE staff in key responsibilities
- Ensure “final” documentation/analyses are legally sufficient, provide a rational basis for decision making, and comply with all applicable laws

IPT

- Coordinate (co-leads), revise, and finalize FMP/Amendment and supporting documentation/analyses, following the IPT protocol outlined in Appendix A.
- Write response to public comments on the DEIS, including EPA review, and Final EIS (if applicable)

PHASES III AND IV: COUNCIL FINAL ACTION AND SECRETARIAL REVIEW

(a) Process

The Council will review all documentation and analyses associated with its fishery management proposals before voting to submit the proposals for Secretarial review and agency action. SERO will initiate Secretarial review of the Council's proposals and will review supporting documentation and analyses for consistency with applicable law.

(b) Products/Deliverables

DOCUMENT	DESCRIPTION	LEAD DRAFTER	CONTRIBUTOR S/ REVIEWERS
Final FMP/ Amendment & Analyses Submitted to NMFS	Final FMP/Amendment with required analyses (e.g., NEPA, MSA, RFA, Executive Order 12866, etc.). Log stamped cover letter	IPT Council staff	Council Members Council Staff SERO SEFSC GCSE
Issues Advisories	Memos advising HQ of pending proposals/actions.	SERO	GCSE
Coastal Zone Management Act (CZMA)	Letters requesting state coastal zone management agencies review proposed actions for consistency with coastal zone management plans.	SERO	GCSE
Vessel Safety Request	Letter requesting U.S. Coast Guard (USCG) review proposed actions with respect to vessel safety and enforcement.	SERO	GCSE
Proposed & Final Rules (if applicable)	Rules proposing and implementing Council action(s).	SERO	GCSE Council members
Secretarial Review & Decision Packages	Regulatory packages required to complete the Secretarial review & approval processes (e.g., decision/info/transmittal memos, attorney work products, IQA memo, ESA & EFH consultation memos, SEFSC certification memo(s), CZMA letters, Record of Decision, etc.).	SERO	GCSE

(c) Roles/Responsibilities

Council Staff

- Advise Council of outstanding/unresolved IPT issues prior to final action
- Make any final edits to Council documentation/analyses requested by the Council
- Prepare and transmit Council recommendation to SERO for Secretarial review
- Draft transmittal letter and final document
- Post transmitted document on Council website

Council Members

- Ensure text of FMP/Amendment reflects Council's intent and rationale
- Vote to submit (or not) the Council proposals/actions for Secretarial review based on final documentation/analyses and taking into account any outstanding IPT concerns

SERO

- Draft initial ESA and EFH consultation memos (optional)
- Advise Council of any agency concerns prior to final action
- Draft Biological Opinion (if applicable)
- Draft issues advisories
- Draft proposed and final rules (if applicable)
- Prepare and transmit CZM consistency review request to state CZM agencies
- Prepare and transmit vessel safety and enforcement review request to USCG
- Draft Findings of No Significant Impact or Records of Decision
- Prepare Secretarial review and decision packages, using regional office checklists provided at http://home.nmfs.noaa.gov/organization/hq/sf/divisions/sf5/regulatory_streamlining/examples_checklists.html
- Declare transmit date

SEFSC

- Advise Council of any science issues prior to final action
- Draft certification memo(s) (as needed, appropriate)

GCSE

- Advise Council and SERO regarding the legal sufficiency of documentation and process prior to Council final action
- Review proposed and final rule (if applicable) for consistency with Council proposals/actions and applicable laws
- Draft attorney work product(s) (e.g., Certification of Attorney Review, Federalism and Takings Assessments, etc.)

LIFE OF AGREEMENT

This Operating Agreement will become effective when signed by all parties, and will remain effective unless and until it is terminated by one or more parties or superseded by another agreement. Any party wishing to terminate the Agreement must notify the remaining parties in writing 90 days prior to the desired termination date. The Agreement may be amended at any time upon the written agreement of all parties.

STATEMENT OF COMMITMENT

By signing below, I agree, on behalf of the organization I represent, to fulfill the roles and responsibilities outlined herein, and to support the efforts of the other parties involved in managing federal fisheries in the Gulf of Mexico.

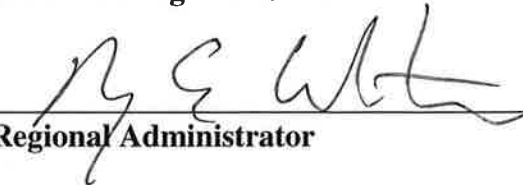
Gulf of Mexico Fishery Management Council:



Executive Director

4-15-2014
Date

Southeast Regional Office:



Regional Administrator

5/1/2014
Date

Southeast Fisheries Science Center:



Science and Research Director

5/2/2014
Date

APPENDIX A – IPT OPERATING PROTOCOL

IPT Leadership & Coordination

The Council and SERO will each identify one staff member who will co-lead the IPT.

Co-lead duties include:

- Coordinating the work of IPT members;
- Ensuring IPT operations comply with the IPT Operating Protocol;
- Organizing and leading IPT meetings and videoconferences. SERO lead will be responsible for arranging the meeting location and writing meeting summaries;
- Drafting IPT work products and timeline, where applicable (e.g., Action Plan, Data Plan/Requests, etc.);
- Circulating to the IPT for review and comment all documents that will be provided to the Council, including scoping papers, options papers, public hearing drafts/analyses, and final draft document/analyses;
- Commenting on documents distributed for IPT review, indicating in writing they have no comment, when applicable;
- Consolidating, distributing, tracking, and addressing responses to comments generated during scoping workshops, public hearings, and IPT reviews;
- Communicating to the IPT decisions made by SERO and Council leadership regarding schedule, process, and other substantive issues that may affect documentation;
- Elevating unresolved issues to SERO and Council leadership;
- Ensuring adequacy and sufficiency of documentation developed by the IPT to support fishery management actions; and
- SERO lead will disseminate NEPA comments and compile responses.

Member Participation

Council, SERO, SEFSC, and GCSE staff appointed to an IPT will:

- Make a reasonable effort to participate in all IPT meetings and conference calls;
- Fulfill drafting and analytical commitments agreed to by their supervisors;
- Advise IPT co-leads of any potential problems that may affect decisions regarding schedule, process, and other substantive issues; and
- Comment on all documents distributed for IPT review. An IPT member will notify the co-leads in the event they are not able to review a document.

Team Communication

IPTs will utilize the following procedures to ensure open communication and minimize miscommunication to the extent possible:

- IPT members will copy co-leads on all substantive exchanges with other IPT members;
- IPT co-leads will copy the IPT on all substantive exchanges, and distribute to the IPT all member comments on draft documentation/analyses; and

- The SERO co-lead will summarize each IPT meeting and circulate the summary to the IPT.

Timing of IPT Responsibilities

IPT co-leads will ensure team members are provided adequate time to complete drafting and review assignments by:

- Consulting with the IPT regarding schedule decisions; and
- Making a reasonable effort to allow team members agreed upon time to review and comment on the document at various stages of development. In particular, IPT co-leads need to ensure enough time to review public hearing drafts/analyses and final draft documentation/analyses before Council final action and transmission to the Secretary of Commerce for review. If the IPT agreed upon deadlines can't be achieved, the reviewer should notify their supervisor and the SERO and Council co-leads as soon as practicable. In some cases abbreviated timelines and schedules must be accomplished by the IPT.

Conflict Resolution

The following process will be used to elevate issues that cannot be resolved at the IPT level:

- IPT co-leads will clearly define in an email or on a conference call to the Sustainable Fisheries (SF) Gulf Branch Chief and Deputy Director of the Council: 1) the issue(s) that cannot be resolved; 2) a request for their resolution; 3) any applicable scheduling constraints; and 4) the pros and cons of potential fixes. Science issues that cannot be resolved will also be submitted to the SEFSC Director.
- Issues that cannot be resolved in discussions between the SF Assistant Regional Administrator and Council Executive Director will be elevated to the Regional Administrator (RA), SEFSC Director, as appropriate using the same format described above.
- Issues that cannot be resolved by the RA, SEFSC Director, and Council Executive Director will be elevated to Council members and the Assistant Administrator for Fisheries prior to taking preliminary and/or final action on fishery management proposals/actions.

APPENDIX B – REFERENCES/GUIDANCE

Note: Derived/adapted from the Operational Guidelines

DOCUMENT/LEGAL REQUIREMENT	TITLE OF REFERENCE DESCRIBING STANDARDS	REFERENCE DATE/ CITATION
Coastal Zone Management Act (CZMA)	Implementing Regulations	15 CFR part 930
Information Quality Act (IQA)	NMFS's Section 515 Pre-dissemination Review Guidelines	05/05/2003
	NOAA's Information Quality Guidelines	10/1/02
Endangered Species Act (ESA)	ESA Consultation Handbook	
	Implementing Regulations	50 CFR 402.01 et seq.
Executive Order (E.O.) 12866, Regulatory Impact Review (RIR)	Guidelines for Economic Analysis of Fishery Management Actions	65 FR 65841; 11/02/2000
	NOAA General Counsel for Fisheries Guidance on Executive Order 12866 compliance	Macpherson memo; 02/06/1998
Federal Register Act (FRA)	OFR Document Drafting Handbook	
	Preparation of FR Documents	2013
Magnuson-Stevens Fishery Conservation & Management Act (MSA)	National Standard Guidelines	50 CFR 600 et seq.
	EFH Final Rule	67 FR 2343; 01/17/02
	EFH Consultation Guidance	U.S. Fish & Wildlife Service/National Marine Fisheries Service; 03/1998
	Guidelines for Assessment of the Social Impact of Fishery Management Actions	03/19/2001
	Guidelines & Principles for Social Impact Assessment	
National Environmental Policy Act (NEPA)	Implementing Regulations	40 CFR 1500 et seq.; http://ceq.eh.doe.gov/nepa/regs/ceq/toc_ceq.htm
	Forty Most Asked Questions Concerning CEQ's NEPA Regulations	03/23/1981
	NAO 216-6	48 FR 14734; 04/05/1983

DOCUMENT/LEGAL REQUIREMENT	TITLE OF REFERENCE DESCRIBING STANDARDS	REFERENCE DATE/ CITATION
	EPA Guidance, "Reviewing Environmental Impact Statements for Fishery Management Plans"	11/2004
	Guidance for Social Impact Assessment	03/19/2001; Appendix 2(g)
	Guidelines & Principles for Social Impact Assessment	5/2004; NOAA Tech Memo NMFS-F/SPO-16
Regulatory Flexibility Act (RFA)	How to Comply with the Regulatory Flexibility Act	Small Business Administration, May 2003; http://www.sba.gov/advo/laws/rfaguide.pdf
	Guidelines for Economic Analysis of Fishery Management Actions	65 FR 65841; 11/2/00
Secretarial Review & Decision Packages	Examples	RSP website; http://home.nmfs.noaa.gov/sf/regstream/default.htm#news
	Regional Office Checklists	
	Forms	